APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,074	09/27/2001	Pieter Van Der Meulen	US018053	5397

7590   02/28/2006

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 September 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>27 September 2001</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01/21/2003</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 09/27/2001.

Information Disclosure Statement

1.   The references listed on the Information Disclosure Statement submitted on

01/21/2003 have been considered by the examiner (see attached PTO-1449A).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmers et

al (Zimmers), Patent No. 6,816,878 B1.

Regarding **claim 1**, Zimmers discloses a system for transmitting a programmable

message to a receiving device upon receipt of an event (fig. 1), comprising:

a. an Internet data communications network interface (fig. 1, item 106; column 6, lines

52-64);

b. at least one sending device, operatively connected to the data communications

network interface, the sending device capable of transmitting the event upon a

predetermined occurrence (column 11, lines 10-49);

c. at least one receiving device, operatively connected to the data communications

network interface, the receiving device capable of receiving and processing data;

d. a persistent data store (column 11, lines 10-49);

e. a predetermined set of selectively retrievable messages resident in the persistent

data store (column 11, lines 10-49);

f. a monitor operatively in communication with the sending device and operatively in

communication with a provider of data, the monitor further being able to access the set

of selectively retrievable messages resident in the persistent data store; and

g. monitoring software, at least a portion of which is resident and executable within the

monitor, the monitoring software capable of detecting the event in a packet received

from the sending device, selecting at least one of the selectively retrievable messages

based on the event, modifying data in the packet, and transmitting the modified packet

to a predetermined receiving device (fig. 1, item 112; column 6, lines 46-67).

Regarding **claim 2**, Zimmers discloses the system of claim 1 wherein the data

communications network interface is selected from the group of data communications

network interfaces consisting of wired networks, wireless networks, and mixed wired

and wireless networks (fig. 1).

Regarding **claim 3**, Zimmers discloses the system of claim 1 wherein the data

communications network interface further comprises a local area network (fig. 1, item

102).

Regarding **claim 4**, Zimmers discloses the system of claim 3 wherein the events

comprise alerts generated by devices operatively connected to the local area network

(fig. 1, item 100).

Regarding **claim 5**, Zimmers discloses the system of claim 3 wherein the monitor

is operatively connected to both the Internet and the local area network as a gateway

intermediate the Internet and one or more devices operatively connected to the local

area network(fig. 1, item 1130, and/or 134).

Regarding **claim 6**, Zimmers discloses the system of claim 1 wherein the predetermined

receiving device to receive the message from the monitoring software is selected from

the group of receiving devices connected to the local area network and receiving

devices operatively connected to the Internet (fig. 1, item 112, and 104).

Regarding **claim 7**, Zimmers discloses the system of claim 1 wherein the selected

retrievable message is capable of being processed into data formatted to be rendered

into human perceptible experiences (column 11, lines 35-49).

Regarding **claim 8**, Zimmers discloses the system of claim 1 wherein the

receiving device comprises intelligent home network appliances, radios, personal

computers, and televisions, each of which is capable of rendering the processed data

into human perceptible experiences (fig. 1, items 110, 111, 117; column 11, lines 27-

34).

Regarding **claim 9**, Zimmers discloses the system of claim 1 wherein the

persistent data store is a selected from the set of persistent data stores consisting of

magnetic media located local to the monitor, magnetic media distributed away from the

monitor, optical media located local to the monitor, optical media distributed away from

the monitor, solid state memories located local to the monitor, and solid state memories

distributed away from the monitor (column 13, lines 20-63).

Regarding **claim 10**, Zimmers discloses the system of claim 1 further comprising

an external source of messages, wherein the monitoring software may receive and

process messages from the external source for use by the monitoring software when

selecting at least one of the selectively retrievable messages based on the event

(column 11, lines 10-49);

Regarding **claim 11**, Zimmers discloses the method of generating messages for

transmission to a receiving device, responsive to packets received at a monitor, the

monitor operatively connected to the Internet and to the receiving device, the method

comprising:

a. monitoring original packets received at the monitor (fig. 1, item 112; column 6, lines

46-67).

b. selecting at least one retrievable message from a set of retrievable messages

responsive to a received event for packets comprising at least one event (column 11,

lines 10-49); and

c. for each receiving device associated with the selected retrievable message,

i. replacing each original packet destined for the receiving device with a new packet

comprising a predetermined portion of the selected retrievable message (column 11,

lines 10-67);. and

ii. sending the new packet to the receiving device for the duration of the selected

retrievable message (column 11, lines 10-67);.

Regarding **claim 12**, Zimmers discloses the method of claim 11, further

comprising sending the retrievable messages selected based on the received event to

at least one default receiving device if no receiving devices are associated with the

retrievable messages selected based on the received event (column 11, lines 10-67);.

Regarding **claim 13**, Zimmers discloses the method of claim 11, wherein

replacing each original packet with a new packet comprising a predetermined portion of

the selected retrievable message further comprises mixing a predetermined portion of

the selected retrievable message with a predetermined portion of an input streaming

media data stream contained in the original packet into a new streaming media stream

contained in the new packet(column 11, lines 10-67).

Regarding **claim 14**, Zimmers discloses the method of claim 13, further

comprising: a. altering an audio portion of the input streaming media data stream to a

predetermined level before mixing the predetermined portion of the selected retrievable

message with the predetermined portion of the input streaming media data stream into

a new streaming media stream; and b. altering a video portion of the input streaming

media data stream to a predetermined level before mixing the predetermined portion of

the selected retrievable message with the predetermined portion of the input streaming

media data stream into a new streaming media stream (column 11, lines 10-67).

Regarding **claim 15**, Zimmers discloses the method of claim 11, wherein

replacing each original packet with a new packet further comprises buffering a

predetermined portion of the original packet for later retrieval before replacing each

original packet with a new packet comprising a predetermined portion of the selected

retrievable message (column 11, lines 10-67).

Regarding **claim 16**, Zimmers discloses the method of claim 11 further

comprising allowing an authorized end user to modify at least one property of the set of

retrievable messages for the set of retrievable messages further comprising at least one

property for each retrievable message (column 11, lines 10-67).

Regarding **claim 17**, Zimmers discloses the method of claim 16 wherein the

modifiable property of the set of retrievable messages comprises a destination address,

audio content, visual content, and subsequent actions to be performed by at least one

of the devices at the destination address (column 11, lines 10-67).

Regarding **claim 18**, Zimmers discloses the method of claim 11 further

comprising a. receiving messages from an authorized third party source of messages;

b. associating the messages received from the third party with at least one event; and c.

storing the messages received from the third party into the set of retrievable

messages(column 11, lines 10-67).

Regarding **claim 19**, Zimmers discloses an electronic event-based messaging

system, comprising: a. means for receiving a first packet from the Internet(column 11,

lines 10-67); b. means for analyzing the first packet to determine if it contains an

event(column 11, lines 10-67); c. means for retrieving at least one message associated

with the event from a set of retrievable messages for first packets containing events

(column 18, lines 1-48); d. means for transforming data in the first packet into a set of

data in a second packet containing at least a portion of the retrieved message; and e.

means for substituting the second packet for the first packet for destination addresses

required by the first packet that are also required by the second packet(column 18, lines

1-48);.

Regarding **claim 20**, Zimmers discloses a packet based messaging system

stored via a data storage medium, comprising: a. a first plurality of binary values for

receiving a first packet over the Internet; b. a second plurality of binary values for

analyzing the first packet to determine if it contains an event; c. a third plurality of binary

values for retrieving at least one message associated with the event from a set of

retrievable messages for first packets containing events; d. a fourth plurality of binary

values for transforming data in the first packet into a set of data in a second packet

containing at least a portion of the retrieved message; and e. a fourth plurality of binary

values for substituting the second packet for the first packet for destination addresses

required by the first packet that are also required by the second packet.

Regarding **claim 21**, Zimmers discloses the method of generating messages

responsive to events, comprising: a. defining a message having data capable of human

perception; b. defining at least one event to which the message will be responsive; and

c. providing the message to at least one monitor for storage by the monitor and later

retrieval by monitoring software in response to the event (column 18, lines 1-48; column 6, lines 46-67).

Regarding **claim 22**, Zimmers discloses the method of claim 21, wherein transmitting the message is provided via the Internet (column 18, lines 1-48; column 6, lines 46-67).

Regarding **claim 23**, Zimmers discloses a computer program embodied within a computer-readable medium created using the method of claim 11(column 18, lines 1-48; column 6, lines 46-67).

Regarding **claim 24**, Zimmers discloses a computer program embodied within a computer-readable medium created using the method of claim 21(column 18, lines 1-48; column 6, lines 46-67).

Conclusion

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.
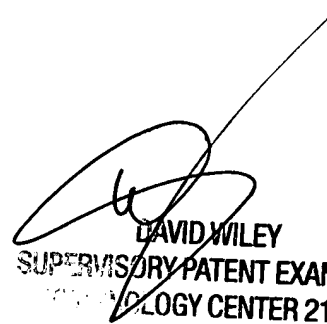
Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

February 19, 2006

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